IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY
and
THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 10693 of 2004

Between:

Pioneer Engineering Syndicate, a partnership firm, rep. by the Managing partner, V.L.Narasimha Rao, S/o V.D. Prasada Rao, "Pioneer House", 6-3-653, 4th floor, Road No.15, Somajiguda, Hyderabad.

..... PETITIONER

AND

1 Syndicate Bank, rep. by the Branch Manager, Nizam Shahi Road Branch, Post Box No.245-GPO, N.S. Road, Hyderabad-1.
2 Debts Recovery Tribunal, rep. by the Registrar, V Floor, Palace Height Building, Triveni Complex, Abids, Hyderabad.
3 Reserve Bank of India, Saifabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, especially a writ in the nature of Mandamus directing the respondents herein to give effect to and to implement the revised guidelines issued by the Reserve Bank of India in its proceedings No.DBOD.BP.BC.65/2104.117/2002-2003 dated 29-1-2003 and consequently direct the disposal of O.A.No.1103/1999 in terms of the revised guide lines pending disposal before the Debts Recovery Tribunal, at Hyderabad and pass such other orders as may be found expedient in the circumstances of the case.

For the Petitioner: Mr. R.V. NAGABHUSHNA RAO, Advocate.

For Respondent No.1: Mr. D. GOPALAKRISHNA, Advocate.

For Respondent No. 2: None appeared.

For Respondent N0. 3: Mr. K. Srinivasa Murthy, Advocate.

The Court made the following Order:

We find no substance in this writ petition. Obviously, this is an attempt on the part of the petitioner to stall the enquiry and trial of the O.A filed by the 1st respondent - Bank before the Debts Recovery Tribunal. It is brought to our notice that the petitioner had already filed an interlocutory application with a similar prayer as the one made in this writ petition before the Debts Recovery Tribunal in which the Bank had already filed its counter affidavit and the matter is likely to be heard and disposed of by the Debts Recovery Tribunal. In the circumstances, the petitioner could not have filed this writ petition.

Sri R.V. Nagabhushana Rao, learned counsel for the petitioner, however, submits that the petitioner is not seeking any stay of further proceedings before the Debts Recovery Tribunal and interests of justice would be met by directing the Bank to consider and dispose of the application filed by the petitioner requiring the Bank to take an appropriate decision in the matter in accordance with the Reserve Bank of India Rules. The application of the petitioner, if any still pending and awaiting consideration by the Bank may be disposed of on its own merits uninfluenced by the dismissal of this writ petition.

The Writ Petition is accordingly dismissed.

(B. Sudershan Reddy, J)

02..07..2004

(Ghulam Mohammed, J)

ks

Note: Furnish CC in two days.

B/O

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1 The Branch Manager, Syndicate Bank, Nizam Shahi Road Branch, Post Box No.245-GPO, N.S. Road, Hyderabad-1.
2 The Registrar, Debts Recovery Tribunal, V Floor, Palace Height Building, Triveni Complex, Abids, Hyderabad.
3 Reserve Bank of India, Saifabad, Hyderabad.
4 2 CD copies.